

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES

-against-

**ORDER**  
20-CR-87 (RPK)

KEITH LEVY,

Defendant.

-----X

RACHEL P. KOVNER, United States District Judge:

Jury selection in this case is scheduled to begin on April 5, 2021, with trial to follow immediately thereafter. Because of the ongoing COVID-19 pandemic, it is possible that this trial date could be delayed based on public health conditions in the period immediately preceding trial, but the parties should prepare to proceed with a jury trial on April 5.

Mr. Levy's renewed application for pretrial release is denied. The Court declines to revisit the prior determinations regarding risk to flight and danger to the community. And it cannot find temporary release under 18 U.S.C. § 3142(i) to be appropriate, notwithstanding the risk to flight and danger to the community that such release would pose. While Mr. Levy has suggested that this extraordinary relief is necessary to facilitate trial preparations, the Metropolitan Detention Center ("MDC") has recently reopened for attorney visits, and Mr. Wright was appointed as co-counsel for the specific purpose of facilitating in-person preparations at the MDC.

The conference scheduled for March 1, 2021 is canceled. A final pretrial conference in this case is scheduled for March 29, 2021 at 9:00 AM and will be held in Courtroom 4E North. The period between March 1, 2021, and March 29, 2021, is excluded under the Speedy Trial Act. Because of the COVID-19 pandemic, the judges of this district have determined in consultation with an epidemiologist that in-person proceedings at the courthouse should be minimized to the

extent possible in the coming weeks, and no jury trials are being conducted in March. Conducting a trial in this case before April 5, 2021, would not be consistent with public health. The exclusion of time under the Speedy Trial Act is also appropriate because it will allow the parties to complete necessary preparations for trial, including the preparation of proposed jury charges and voir dire questions (in the near future) and the defense's exploration of a mental health defense that the defense has indicated that it has only recently begun to evaluate. The Court finds that the ends of justice served by an exclusion outweigh the interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: February 26, 2021  
Brooklyn, New York